IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11576 of 2005

Between:

K.Kamalamma D/o Yesobu, aged 40 years,

F.P.Shop Dealer, R/o Doddavaram village,

Maddipadu Mandal, Prakasham District.

..... PETITIONER

AND

1. The Joint Collector, Ongole, Prakasham District

2. The Revenue Divisional Officer, Ongole,Prakasham

District.

3. The Mandal Revenue Officer,Maddipadu Mandal,

Prakasham District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the order of the Revenue Divisional Officer, Ongole, Prakasam District, the 2nd respondent herein in his proceedings in Rcc/274/2005 dt. 24-3-2005 suspending the Fair Price Shop Dealership authorization of the petitioner of Doddavaram Village, Maddipadu Mandal, Prakasam District and the consequential order of the 1st respondent in rejecting stay petition filed along with statutory appeal by the petitioner in proceedings Rc. CS2/1705/2005, dated 18-5-2005 and inaction of the Joint Collector, Ongole, Prakasam District, the 1st respondent in not considering and disposing of the statutory appeal filed by the petitioner against the order of the 2nd respondent in Rcc/274/2005, dt. 24-3-2005 as arbitrary, illegal, unconstitutional, malafide void, vitiated, and against the right of appeal and consequently set aside the order in proceedings in Rcc/274/2005, dt. 24-3-2005,

issued by the 2nd respondent, thereby enabling the petitioner to continue as permanent Fair Price Shop Dealer of Doddavaram village, Maddipadu Mandal, Prakasam District.

Counsel for the Petitioner:MR.RAJANIKANTH JWALA

Counsel for the Respondents.: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

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This writ petition is filed assailing the proceedings in Rcc/274/2005, dated 24-3-2005 issued by the 2nd respondent in suspending the Fair Price Shop Dealership of the petitioner and the consequential action of the 1st respondent in not considering the appeal filed by him.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for respondents.

Admittedly, an appeal is pending before the 1st respondent and appropriate orders have to be passed by the 1st respondent in the appeal in accordance with law.

Therefore, without entering into the merits of the case, the writ petition is disposed of directing the 1st respondent to dispose of the appeal filed by the petitioner within a period of four weeks from the date of receipt of a copy of this order, after giving reasonable opportunity to the petitioner.

No order as to costs.

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K.C.Bhanu,J.

24th May, 2005.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Joint Collector, Ongole, Prakasham District

2. The Revenue Divisional Officer, Ongole,Prakasham

District.

3. The Mandal Revenue Officer, Maddipadu Mandal, Prakasham District.

4. 2 CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies

THE HON'BLE MR JUSTICE K.C. BHANU

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24th May, 2005.